Applicant has canceled claims 1-46 during prosecution of this patent application. Applicant is not conceding in this patent application that said canceled and amended claims are not patentable over the art cited by the Examiner, since the claim cancellations and amendments are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue said canceled and amended claims, and other claims, in one or more continuations and/or divisional patent applications.

The Examiner rejected claims 47 and 48 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shelton et al. (US 5954798) in view of Gavrilescu et al. (US 2002/0198941 A1).

Applicant respectfully traverses the § 103 rejections, with the following arguments.

<u>35 U.S.C. § 103(a)</u>

The Examiner rejected claims 47 and 48 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shelton et al. (US 5954798) in view of Gavrilescu et al. (US 2002/0198941 A1).

<u>Claim 47</u>

The Examiner's arguments in analyzing Shelton with respect to claim 47 are based on the following assumptions:

the claimed first user 22 in Applicant's FIG. 1 is represented in Shelton by the agent at terminal 104N in Shelton, FIG. 2;

the claimed user browser 20 in Applicant's FIG. 1 is represented in Shelton by the web browser 114N at terminal 114N in Shelton, FIG. 2;

the claimed second user 32 in Applicant's FIG. 1 is represented in Shelton by the consumer at terminal 104A in Shelton, FIG. 2;

the claimed consultant browser 30 in Applicants' FIG. 1 is represented in Shelton by the web browser 114A at terminal 104A in Shelton, FIG. 2;

the claimed server 10 in Applican's' FIG. 1 is represented in Shelton by the WTS server 144 in Shelton, FIG. 2.

Applicant next analyzes claim 47 using the same assumptions *supra* that the Examiner has used.

Applicant respectfully contends that claim 47 is not unpatentable over Shelton in view of

Gavrilescu, because Shelton in view of Gavrilescu does not teach or suggest each and every feature of claim 47.

As a first example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "a server creating a user context that reflects a context of a session between a user browser and the server".

The Examiner argues that Shelton, col. 2, lines 25-30 discloses the preceding feature of claim 47.

In response, Applicant respectfully contends that Shelton, col. 2, lines 25-30 discloses steps of "retrieving pages", "performing activities to said pages received", and "recording said activities", none of which disclose "creating a user context" or creating anything at all. Moreover, claim 47 also requires performance of "said server storing the identified context information in the user context" which requires the user context to be capable of storing information.

Applicant asserts that the Examiner has not specifically identified (in Shelton, col. 2, lines 25-30) the user context that is allegedly created by the server and is capable of storing information.

Furthermore, Shelton, col. 2, lines 25-30 does not disclose that the server that allegedly creates the user context is the WTS server 144 which is assumed by the Examiner to represent in Shelton the claimed server.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As a second example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "said server creating a consultant context that reflects a context of a session between a consultant browser and the server".

The Examiner argues that Shelton, col. 2, lines 25-30 discloses the preceding feature of claim 47.

In response, Applicant respectfully contends that Shelton, col. 2, lines 25-30 discloses steps of "retrieving pages", "performing activities to said pages received", and "recording said activities", none of which disclose "creating a consultant context" or creating anything at all. Moreover, claim 47 also requires performance of "said server ... storing the received context information in the consultant context" which requires the consultant context to be capable of storing information.

Applicant asserts that the Examiner has not specifically identified (in Shelton, col. 2, lines 25-30) the consultant context that is allegedly created by the server and is capable of storing information.

Furthermore, Shelton, col. 2, lines 25-30 does not disclose that the server that allegedly creates the consultant context is the WTS server 144 which is assumed by the Examiner to represent in Shelton the claimed server.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As a third example of why claim 47 is not unpatentable over Shelton in view of

Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "a first user of the user browser identifying, to a second user of the consultant browser by communication via telephone or email from the first user to the second user, information that the first user is unable to locate and desires to obtain".

The Examiner argues: "While Shelton teaches synchronizing browsers, they fail to show the identifying to a second user via telephone or email information that the first user is unable to locate and desires to obtain as recited in the claims. Gavrilescu teaches a method similar to that of Shelton. In addition, Gavrilescu further teaches using web browser synchronization to aid a customer service representative in leading a customer to locations on a web page *(Paragraph 0003: as one skilled in the art knows, customer service representatives are regularly contacted via telephone or email).*"

In response, Applicant notes that Gavrilescu, Par. [0003] discloses cobrowsing between a user and a customer representative. However, Gavrilescu, Par. [0003] does not anywhere disclose that the user identifies to the customer representative information that the user is unable to find, or that the customer representative identifies to the user information that the customer representative is unable to find.

Gavrilescu, Par. [0003] discloses a first example ("The representative may lead the cobrowsing session, showing the customer where certain products are described on the web site."), which does not disclose that the user identifies to the customer representative information that the user is unable to find, or that the customer representative identifies to the user information that the customer representative is unable to find.

Gavrilescu, Par. [0003] discloses a second example ("the customer may lead the

cobrowsing session, going to various pages on the web site, and asking the representative questions about the products displayed on those pages"), which does not disclose that the user identifies to the customer representative information that the user is unable to find, or that the customer representative identifies to the user information that the customer representative is unable to find.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As a fourth example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "responsive to the first user identifying the desired information to the second user, said second user navigating to the desired information using the consultant browser".

The Examiner has not alleged that Shelton in view of Gavrilescu discloses the preceding feature of claim 47.

In fact, the Examiner has not even addressed the preceding feature of claim 47.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As a fifth example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "Shelton discloses ... responsive to the second user navigating to the desired information, said consultant browser transmitting to the server context information identifying an access to the desired

information; said server receiving the transmitted context information and storing the received context information in the consultant context".

The Examiner argues: "Shelton discloses ... responsive to the second user navigating to the desired information, said consultant browser transmitting to the server context information identifying an access to the desired information; said server receiving the transmitted context information and storing the received context information in the consultant context *(Column 5 lines 52-67, Column 7 lines 22-28, Column 7 lines 33-35, and Column 7 line 58- Column 8 line 23: a session is created for browser 114A. A session included tracking and recording of activities of the browser where the activities include loading, interacting, and unloading of web pages. This directly relates to context information)*".

In response, Applicant notes that the Examiner views "context information" as web pages in Shelton.

However, the Examiner's citations (col. 5, lines 52-67; col. 7 lines 22-28; col. 7 lines 33-35; col. 7, line 58 - col. 8 line 23) do not disclose that the WTS server 144 receives "context information identifying an access to the desired information" from the consultant browser 114N and stores the received context information in the consultant context created by the WTS server 144, as required by the preceding feature of claim 47.

Furthermore, the Examiner's citations do not disclose that the transmitting of the context information is "responsive to the second user navigating to the desired information", as required by the preceding feature of claim 47.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As a sixth example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "said server receiving from the consultant browser a request for an identifier pertaining to the context information; said server generating the identifier in response to the received request, said identifier not being a Universal Resource Locater (URL)".

The Examiner argues: "Shelton discloses ... said server receiving from the consultant browser a request for an identifier pertaining to the context information; said server generating the identifier in response to the received request, said identifier not being a Universal Resource Locater (URL) *(Fig 2, Fig 3, and Column 6 line 62- Column 7 line 33: the request for the identifier from the second (consultant) browser is performed when the browser has been directed to the specific URL for web page 204 in server 52. The second browser is executing in terminal 104A)*".

In response, Applicant notes that the Examiner views "request for an identifier" as directing the server 152 to the specific URL for web page 204. Therefore, the Examiner is arguing that the identifier is the URL for web page 204. The Examiner also views "context information" as web pages as explained *supra* in conjunction with the fifth example. Therefore, the Examiner is arguing that the limitation "said server receiving from the consultant browser a request for an identifier pertaining to the context information" is disclosed in Shelton as the WTS server 152 receiving (from the web browser 114A) a request for an identifier pertaining to the web page 204, wherein the identifier is the URL for web page 204, which violates the claimed limitation of "said identifier not being a Universal Resource Locater (URL)".

In addition, the Examiner's citation of server 152 (actually, the Examiner cited server

"52" which appears to be a typo), is in conflict with the Examiner's assumption the WTS server 144 represents the claimed server in claim 47.

Furthermore, Shelton does not disclose "said server generating the identifier in response to the received request". In order words, Shelton does not disclose that the WTS server 144 generates the URL of web page 204 in response to directing the server 152 to the specific URL for web page 204, wherein the URL is alleged by the Examiner to represent the received request.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As a seventh example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "after said generating the identifier, said server generating an association relating to the identifier, said association associating the identifier with the context information by comprising a pointer to the context information".

The Examiner argues that Shelton, col. 7, lines 34-35 discloses the preceding feature of claim 47.

In response, Applicant respectfully contends that the preceding feature of claim 47, which requires that Shelton disclose that after the URL for web page 204 is generated, the WTS server 144 generates an association relating to the URL for web page 204, said association associating the URL for web page 204 with the context information by comprising a pointer to the context information. However, Shelton, col. 7, lines 33-35 recites: "In response to the command from Master Applet 126, WTS server 144 creates a session for browser 114A based on the unique ID".

Applicant asserts that Shelton, col. 7, lines 33-38 discloses that the WTS server 144 creates a session for browser 114A based on the unique ID but does not generate an association that associates the URL for web page 204 with the context information (i.e., the web page 204).

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As an eighth example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "after said generating the association, said server storing the identifier and the association in a repository coupled to the server and providing the identifier to the consultant browser".

The Examiner argues: "Shelton discloses ... after said generating the association, said server storing the identifier and the association in a repository coupled to the server and providing the identifier to the consultant browser *(Column 6 lines 59-61: database stores information for created sessions)*".

In response, Applicant reiterates that the Examiner has argued that the claimed identifier is the URL for web page 204. However, Shelton, col. 6, lines 59-61 does not disclose that the WTS server 144 stores in the database 156 the URL for web page 204 and the association. Shelton, col. 6, lines 59-61 discloses only that the application 148 stores the data collected in session table 145 into database 156, and does not disclose that the data collected in session table 145 includes the URL for web page 204 and the association.

Moreover, claim 47 requires that the WTS server 144, and not the application 148, perform storing the URL for web page 204 and the association in the database 156.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As a ninth example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "after said server providing the identifier to the consultant browser, said consultant browser providing the identifier to the second user".

The Examiner argues: "Shelton discloses ... after said server providing the identifier to the consultant browser, said consultant browser providing the identifier to the second user *(Column 12 lines 19-23: the web page displays the current session ID)*".

In response, Applicant has noted (in conjunction with the sixth example) that the Examiner has alleges that the identifier in Shelton is the URL for web page 204, which logically contradicts the Examiner's current argument that the identifier in Shelton is the current session ID.

Furthermore, the preceding feature of claim 47 requires that the consultant browser 114A provides the identifier to the second user. However, the consultant browser 114A is not even mentioned in Shelton, col. 12, lines 19-23.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As a tenth example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature:

"after said consultant browser providing the identifier to the second user, said second user providing the identifier to the first user via telephone or email from the second user to the first user; after said second user providing the identifier to the first user, said user browser receiving the identifier from the first user; after said user browser receiving the identifier from the first user, said server receiving the identifier from the user browser, wherein said receiving the identifier from the user browser comprises retrieving the identifier from a data entry field of a web page after the user browser has entered the identifier into the data entry field".

The Examiner argues that Shelton, col. 12, lines 28-39 discloses the preceding feature of claim 47.

In first response, Applicant notes that the identifier in Shelton, col. 12, lines 28-39 is the current session ID, which contradicts the Examiner's argument that the identifier is the URL for web page 204.

In second response, Applicant notes that the Examiner is assuming that the first user is the agent at terminal 104N and the second user is the consumer at terminal 104A. Therefore, the preceding feature of claim 46 requires the consumer to provide the identifier (inconsistently alleged by the Examiner to be the current session ID) to the agent via telephone or email. However, Shelton, col. 12, lines 28-39 recites that "*instead of using the telephone*, the agent can be informed of the current session ID by alternative methods. For example, the consumer can enter his/her telephone number into a special web page that contains the caller ID of the consumer along with the current session ID. This information can be stored into a special lookup table that can be used by the agent to lookup the current session ID." (emphasis added). In other words, the agent can be informed of the current session ID by the previously recited alternative

method instead of by telephone, which demonstrates that Shelton, col. 12, lines 28-39 does not disclose the preceding feature of claim 47.

In third response, Applicant asserts that Shelton, col. 12, lines 28-39 does not disclose that the WTS server 144 receives the identifier from the user browser 114N as required by the limitation of "said server receiving the identifier from the user browser". Applicant notes that Shelton, col. 12, lines 28-39 does not mention the WTS server 144 (or any other server) and does not mention the user browser 114N (or any other browser).

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As an eleventh example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "after said server receiving the identifier from the user browser, said server identifying the stored identifier in the repository from the received identifier and using the stored association relating to the identifier to identify the context information stored in the consultant context".

The Examiner argues that Shelton, col. 14, lines 20-25 discloses the preceding feature of claim 47.

In response, Applicant notes that the preceding feature of claim 47 requires identifying the context information stored in the consultant context, which Shelton, col. 14, lines 20-25 does not disclose. The only identification disclosed in Shelton, col. 14, lines 20-25 is an identification of the session ID which is not context information stored in the consultant context. In fact, the Examiner has argued that the context information is web pages.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As a twelfth example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Shelton in view of Gavrilescu does not teach or suggest the feature: "after said server using the stored association, said server storing the identified context information in the user context, wherein the server is configured to transmit the context information in the user context to the user browser for enabling the user to access, via the user browser, the desired information".

The Examiner argues that Shelton, col. 14, lines 23-42 and col. 13, lines 26-37 disclose the preceding feature of claim 47.

In response, Applicant notes that the Examiner has assumed that the user browser is the web browser 114N. However, the web browser 114N is not even mentioned in Shelton, col. 14, lines 23-42 and col. 13, lines 26-37.

In further response, Applicant notes that the Examiner has not specifically identified a user context in Shelton, so that the Examiner's analysis of Shelton, col. 14, lines 23-42 and col. 13, lines 26-37 with respect to the user context is not persuasive.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

As a thirteen example of why claim 47 is not unpatentable over Shelton in view of Gavrilescu, Applicant asserts that the Examiner's stated reason as to why it is allegedly obvious to modify Shelton by the alleged teaching of Gavrilescu is not persuasive.

The Examiner argues: "It would have been obvious to one of ordinary skill in the art, having the teachings of Shelton and Gavrilescu before him at the time the invention was made, to modify the synchronization taught by Shelton to include the customer service of Gavrilescu, in order to obtain web synchronization for use by a customer service representative to guide a user to information on a web page. One would have been motivated to make such a combination because implementing web browser synchronization for guiding a user to information is well known in the art, as described by Gavrilescu *(Paragraph 0003)*."

In response, Applicant asserts that the cobrowsing described in Gavrilescu, Par. [0003] does not exit in Shelton. The web browser synchronization in Shelton is totally unrelated to the cobrowsing described in Gavrilescu, Par. [0003].

Applicant asserts that there is no description in Shelton or Gavrilescu of how to enable inclusion of cobrowsing into Shelton. Therefore, lack of a teaching of enablement precludes the possibility of it being obvious to incorporate cobrowsing into Shelton.

Furthermore, the Examiner's stated motivation ("guiding a user to information") for incorporating cobrowsing into Shelton is not persuasive because Shelton already discloses guiding a user to information.

Therefore, the Examiner has not established a *prima facie* case of obviousness in relation to claim 47.

Based on the preceding arguments, Applicant respectfully maintains that claim 47 is not unpatentable over Shelton in view of Gavrilescu, and that claim 47 is in condition for allowance.

<u>Claim 48</u>

The Examiner argues: "In regard to claim 48, Shelton clearly discloses that all the method steps shown in claim 47 are implemented in a server *(Fig 1 element 134)*. Therefore the rejections articulated *supra as* to why the combination of Shelton and Gavrilescu teach the claimed subject matter of claim 47 apply to claim 48."

In response, Applicant relies on Applicant's arguments *supra* for traversing the rejection of claim 47 as a basis for traversing the rejection of claim 48.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

Date: 10/01/2008

/Jack P. Friedman/
Jack P. Friedman
Registration No. 44,688

Customer No. 30449
Schmeiser, Olsen & Watts
22 Century Hill Drive - Suite 302
Latham, New York 12110
Telephone (518) 220-1850
Facsimile (518) 220-1857
E-mail: jfriedman@iplawusa.com